

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEPHEN SULLIVAN,

Plaintiff,

MEMORANDUM AND ORDER
CV 04-3651

-against-

(Wexler, J.)

COUNTY OF SUFFOLK, et al.,

Defendants.

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APPEARANCES:

OLIVER HULL, ESQ.
Attorney for Plaintiff
320 West Main Street, 2d Floor
Sayville, New York 11782

CHRISTINE MALAFI, SUFFOLK COUNTY ATTORNEY
BY: CHRISTOPHER M. GATTO and L. ADRIANA LOPEZ, ASSISTANT
COUNTY ATTORNEYS
Attorneys for Defendants
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788

WEXLER, District Judge

By Report and Recommendation dated June 1, 2006, Magistrate Judge E. Thomas Boyle recommended that plaintiff's motion to amend his complaint should be granted in part and denied in part (the "R&R"). Both plaintiff and defendants filed objections to the R&R.

Upon consideration of the record, including the R&R and the parties' objections thereto, the Court adopts the R&R except to the extent that the R&R recommends

granting the motion to amend to add defendants Christine Malafi and Richard Dormer as defendants in their individual capacities. Accordingly, plaintiff's motion to amend his complaint is granted only to the extent of allowing him to increase the requested monetary damages from \$100,000 to \$250,000; to withdraw his request for declaratory and injunctive relief; and to dismiss this action as against the Suffolk County Police Department. The motion to amend is denied in all other respects. The Clerk of Court is directed to terminate the motion.

The parties are directed to contact Courtroom Deputy Josiah Kharjie, at (631) 712-5645, to schedule an immediate conference in this action.

SO ORDERED.



LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
September 29, 2006